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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,139	05/31/2001	Monte J. Rhoads	42390P11046	1934
8791	7590	12/03/2003	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD, SEVENTH FLOOR LOS ANGELES, CA 90025			ANYASO, UCHENDU O	
			ART UNIT	PAPER NUMBER
			2675	12
DATE MAILED: 12/03/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,139

Applicant(s)

RHOADS, MONTE J.

Examiner

Uchendu O Anyaso

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-9, 13, 14 and 17-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-9, 13, 14 and 17-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. **Claims 7-9, 13, 14 and 17-24** are pending in this action.

Claim Rejections - 35 USC ' 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 7-9, 13, 14 and 17-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Bang* (U.S. 6,522,530).

Regarding **independent claim 7**, Bang teaches a rack mount device in the form of a computer system comprising a main body 10 having an enclosure as depicted by the body 10 wherein the body 10 has a front portion with a user interface (see figure 2) and a monitor 14 that is capable of being both tilted (i.e., moved up and down), and swiveled (i.e., moved in a horizontal direction) with respect to the main body 10 in order to facilitate being viewed at multiple angles (column 2, lines 3-10, figures 1, 5-8 at 10, 14; column 3, lines 61-67, figures 3, 4 at 10, 14).

However, Bang does not teach explicitly a ball and socket joint attached within the body. On the other hand, Bang teaches how a monitor bracket 47 has a coupling part 49 inserted into the bracket accommodating portion 24 to be coupled therewith so that the monitor bracket 47 allows the monitor 14 to be tilted relative to the main body 10 (column 5, lines 11-22, figures 3, 4 at 14, 24, 49, 51-53).

Thus, it would have been obvious to a person of ordinary skill in the art to modify Bang's bracket 47 to utilize a ball and socket configuration because the bracket 47 and coupling part 49 perform similar functions to the ball and socket configuration. The motivation for doing so would have to facilitate the tilting of the monitor relative to the main body 10 (column 5, lines 11-22, figures 3, 4 at 14, 24, 49, 51-53).

Regarding **independent claim 14**, and for **claims 19-21**, Bang teaches a movable coupling within a rack mount appliance by teaching a monitor bracket 47 that includes a coupling part 49 in order to facilitate the monitor 14 to be tilted relative to the main body 10 (column 5, lines 11-22, figures 3, 4 at 14, 47, 49).

Furthermore, Bang teaches a rack mount device in the form of a computer system comprising a main body 10 having a monitor 14 capable of two degrees of freedom of position adjustment by being both tilted (i.e., moved up and down), and swiveled (i.e., moved in a horizontal direction) with respect to the main body 10 (column 2, lines 3-10, figures 1, 5-8 at 10, 14; column 3, lines 61-67, figures 3, 4 at 10, 14).

However, Bang does not teach explicitly a ball and socket joint attached within the body. On the other hand, Bang teaches how a monitor bracket 47 has a coupling part 49 inserted into the bracket accommodating portion 24 to be coupled therewith so that the monitor bracket 47 allows the monitor 14 to be tilted relative to the main body 10 (column 5, lines 11-22, figures 3, 4 at 14, 24, 49, 51-53).

Thus, it would have been obvious to a person of ordinary skill in the art to modify Bang's bracket 47 to utilize a ball and socket configuration because the bracket 47 and coupling part 49

perform similar functions to the ball and socket configuration. The motivation for doing so would have to facilitate the tilting of the monitor relative to the main body 10 (column 5, lines 11-22, figures 3, 4 at 14, 24, 49, 51-53).

Regarding **independent claim 18**, and for **claims 23** and **24**, Bang teaches rack mount server in the form of a computer system comprising a main body 10 having a monitor 14 adjustable viewing angles (column 2, lines 7-9, figures 6, 8).

However, Bang does not teach explicitly a ball and socket joint attached within the body. On the other hand, Bang teaches how a monitor bracket 47 has a coupling part 49 inserted into the bracket accommodating portion 24 to be coupled therewith so that the monitor bracket 47 allows the monitor 14 to be tilted relative to the main body 10 (column 5, lines 11-22, figures 3, 4 at 14, 24, 49, 51-53).

Thus, it would have been obvious to a person of ordinary skill in the art to modify Bang's bracket 47 to utilize a ball and socket configuration because the bracket 47 and coupling part 49 perform similar functions to the ball and socket configuration. The motivation for doing so would have to facilitate the tilting of the monitor relative to the main body 10 (column 5, lines 11-22, figures 3, 4 at 14, 24, 49, 51-53).

Regarding **claims 8** and **9**, in further discussion of claim 7, Bang teaches the tiltably attached display 14 is coupled with a tilting member 20 that allows incremental adjustment of the display 14 (column 3, lines 61-67, figures 3, 4 at 10, 14, 20).

Regarding **claim 13, 17 and 22** in further discussion of claims 7, 14 and 18, Bang teaches how the shaft 42 is secured in the shaft accommodating portion 44 of the rotatable bracket 33 by a set screw 43 wherein the shaft 42 is projected outside from both ends of the shaft accommodating portion 44 such that Monitor brackets 47 are respectively coupled to the opposite projected ends of the shaft 42 (column 5, lines 4-10, figures 3, 4 at 33, 42-44, 47).

Response to Arguments

4. Applicant's arguments filed October 24, 2003 have been fully considered but they are not persuasive.

Applicant amended his independent claims to include the feature of a ball and socket joint attached within an enclosure. Applicant then contends that Bang fails to teach this feature.

Examiner disagrees with applicant's assertions. Although, Bang does not teach explicitly a ball and socket joint attached within the body, Bang teaches how a monitor bracket 47 has a coupling part 49 inserted into the bracket accommodating portion 24 to be coupled therewith so that the monitor bracket 47 allows the monitor 14 to be tilted relative to the main body 10 (column 5, lines 11-22, figures 3, 4 at 14, 24, 49, 51-53).

Thus, it would have been obvious to a person of ordinary skill in the art to modify Bang's bracket 47 to utilize a ball and socket configuration because the bracket 47 and coupling part 49 perform similar functions to the ball and socket configuration. The motivation for doing so would have to facilitate the tilting of the monitor relative to the main body 10 (column 5, lines 11-22, figures 3, 4 at 14, 24, 49, 51-53).

Hence, applicant's amendments and arguments are not persuasive.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uchendu O. Anyaso whose telephone number is (703) 306-5934. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras, can be reached at (703) 305-9720.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:


(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Uchendu O. Anyaso

11/30/2003


STEVEN SARAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600